



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5645

by Rep. Sam Yingling

SYNOPSIS AS INTRODUCED:

605 ILCS 5/6-134 new

Amends the Illinois Highway Code. Provides that a residential neighborhood within the unincorporated boundaries of a township road district whose private roadways are maintained by a homeowner's association or other neighborhood association may vote to turn authority and control over its roadways to the township road district. Provides notice and voting requirements for members of the neighborhood organization. Provides that roads to be turned over to the township road district in this manner must meet the following criteria: (1) be located within the boundaries of a county whose population is no less than 500,000 people; (2) lie within a neighborhood where the majority of the neighborhood was platted before 1970; (3) the neighborhood organization must consist of more than 5 residential units; and (4) the neighborhood cannot be part of a gated community, have a guard post, or have any physical obstructions that prevent ongoing and regular access by the general public.

LRB098 18917 MLW 54064 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Highway Code is amended by adding
5 Section 6-134 as follows:

6 (605 ILCS 5/6-134 new)

7 Sec. 6-134. Township road district; private roadways.

8 (a) For purposes of this Section, a "neighborhood
9 organization" includes a homeowners' association, property
10 owners' association, or any similar entity.

11 (b) A neighborhood organization that oversees a
12 residential neighborhood that (A) exists within the
13 unincorporated boundaries of any township road district; and
14 (B) has residential roadways considered to be private roadways
15 maintained by the neighborhood organization may vote to declare
16 the private roadways to be public roadways. Upon declaring the
17 neighborhood's private roadways to be public roadways, all
18 authority and control over the roadways shall be transferred to
19 the township road district within which the residential
20 neighborhood is located. This declaration must be in the form
21 of a resolution drafted by the neighborhood organization and
22 voted on by the neighborhood organization's members as
23 described in this Section. If the resolution is approved the

1 neighborhood organization must submit the approved resolution
2 to the highway commissioner and the county clerk.

3 (c) The governing board of any neighborhood organization
4 seeking to transfer the private roadways under its jurisdiction
5 to the public must:

6 (1) provide members ample notification of the vote, its
7 purpose, and the date and time of the meeting when the vote
8 is to be held, no less than 14 days before; and

9 (2) obtain a majority of affirmative votes of those
10 present at the meeting.

11 (d) This Section shall only apply to areas that meet the
12 following qualifications:

13 (1) the roadways to be turned over must be located
14 within the boundaries of a county whose population is no
15 less than 500,000 people as determined by the most recent
16 U.S. Census;

17 (2) the majority of the neighborhood which the
18 neighborhood organization oversees was platted before
19 1970;

20 (3) the neighborhood organization must be comprised of
21 more than 5 residential units; and

22 (4) the roadways cannot be part of a gated community,
23 have a guard post, or have any physical obstructions that
24 prevent ongoing and regular access by the general public.